S.B. CRIMINAL MISC. BAIL APPLICATION (SUSPENSION OF SENTENCE) NO. 188/2007
IN
S.B. CRIMINAL APPEAL NO. 69/2007

DATE OF ORDER : 19.07.2007

HON'BLE MR. JUSTICE DEO NARAYAN THANVI

Mr. Rahul Bathi for the applicant.
Mr. V.R.Mehta, Public Prosecutor.

Heard learned counsel for the applicant and the learned Public Prosecutor.

Accused appellant Bhonalal alias Bhoni Ram has been convicted for offence under Section 304 Part-II IPC because of inflicting *'insh'* (Lathi) blow on the head of the deceased, on account of dispute about disconnecting the wire of electricity. Eye witnesses which are inter se related namely Radhey Shyam, Prakash and Guddu have not supported the prosecution case. The sole evidence of PW-1 Dashrath is the only basis of conviction. I have gone through the cross examination of this witness. No witness of vicinity has been examined. In the cross examination, this witness has stated that when accused appellant came, he was having no arms with him in his hand.

Considering all the facts and circumstances of the case, I feel it just and proper to suspend the sentence awarded to the accused applicant.

Accordingly, the bail application under Section 389 Cr.P.C. is allowed and it is ordered that the sentence passed by learned Additional Sessions Judge (Fast Track), Pratapgarh vide his judgment dated 25.11.2006 against accused applicant Bhonalal alias Bhoni Ram S/o Kesu Ram shall remain suspended till the final disposal of aforesaid criminal appeal provided he executes a personal bond in the sum of Rs.50,000/- along with two sureties in the sum of Rs.25,000/- each to the satisfaction of the trial court for his appearance in this court on 05.09.2007 and whenever called upon to do so.

(DEO NARAYAN THANVI), J.

ms rathore